

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL 118309

AN ORDINANCE relating to the Seattle Fire Code Advisory Board; revising the designated member representation of the Seattle Fire Code Advisory Board to include representatives of the services industry, major institutions, and the Fire Fighters and Fire Chiefs labor unions; creating a new Subchapter V in Chapter 3.16 of the Seattle Municipal Code consisting of new Sections 3.16.300, 3.16.310, 3.16.320, 3.16.330, 3.16.340, 3.16.350 and 3.16.360; all by amending Ordinance 119799.

WHEREAS, through Ordinance 117717, the Seattle Fire Code Advisory Board was created over five decades ago by the City Council to give industry, labor and the public a voice in fire code development issues that affect them; and

WHEREAS, Ordinance 117717 was amended in 1999 by Ordinance 119799 to revise the designated member representation to include a representative of the fire protection industry; and

WHEREAS, the leadership of the Fire Fighters labor union and the Fire Chiefs labor union have requested representation on the Seattle Fire Code Advisory Board to have a voice in fire code development issues that impact fire fighter safety; and

WHEREAS, the Seattle Fire Code Advisory Board has recommended that the voting member position currently designated to represent the retail industry be re-designated to represent the services industry more broadly;

WHEREAS, the Seattle Fire Code Advisory Board has recommended that the voting member position currently designated to represent the petroleum industry be re-designated to represent major institutions; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Ordinance 119799 is hereby amended to read as follows:

* * *

Section 2.

A new Subchapter V is added to Chapter 3.16 of the Seattle Municipal Code as follows:

Subchapter V Fire Code Advisory Board

3.16.300 Board Established

There hereby is established a Fire Code Advisory Board (the "Board") which will consist of ~~((fifteen (15)))~~ 15 voting members, as follows:

One architect

One chemical engineer

One mechanical engineer

One Building Owners and Managers Association representative

One King County Labor Council representative

One fire insurance industry representative

One ~~((petroleum industry))~~ major institutions representative. Major institutions include hospitals, universities, colleges, and schools.

One marine industry representative

One Port of Seattle representative

One manufacturing/warehouse representative

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2 One (~~retail~~) services industry representative. Service industry includes retail and wholesale,
3 entertainment, restaurants and nightclubs, and hotels.

4
5 One research/labs representative

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7 One fire protection industry representative

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9 Two members of the public

10
11 The Board members will be appointed by the Mayor, who will select (~~fifteen (15)~~) 15
12 individuals collectively possessing the characteristics listed above. The Mayor's appointments
13 will be subject to confirmation by the City Council. In addition, one representative each from
14 the Department of (~~Design, Construction and Land Use~~) Planning and Development, Seattle
15 City Light, Seattle Public Utilities, and City Council staff (~~shall~~) may be chosen by their
16 respective Department Heads and (~~shall~~) may serve on the Board in a non-voting ex-officio
17 capacity. The Executive Boards of the Fire Fighters Union (Local 27) and the Fire Chiefs Union
18 (Local 2898) may choose a representative to serve on the Fire Code Advisory Board in a non-
19 voting ex-officio capacity. No City employees will serve on the Board in a voting capacity.

20
21 (~~Section 3-~~) **3.16.310 Terms of service**

22 (~~The first board shall have five (5) members whose term of service is two (2) years, five~~
23 ~~(5) members whose term of service is three (3) years, and five (5) members whose term of~~
24 ~~service is four (4) years. Within these parameters, the Mayor shall have the discretion to~~
25 ~~designate the term of each member of the first Board. Thereafter,)) The terms of service for~~

1 Board members shall be as originally established by Ordinance 117717, as amended by
2 Ordinance 119799, except as provided by this Section 3.16.310. The terms of service for voting
3 members on the Board shall be for three (~~((3))~~) years from the day (~~(of expiration of the term of~~
4 ~~the member whose vacancy is being filled.))~~ the member is qualified. A voting member whose
5 term of service has expired shall continue to serve until a successor is qualified, unless that
6 member notifies the Chair in writing of his or her desire to resign and discontinue serving on the
7 Board, in which case the position will be considered vacant. A successor to one of the (~~(fifteen~~
8 ~~(15))~~ 15 voting positions is "qualified" after being appointed by the Mayor and confirmed by the
9 City Council. The four non-voting ex-officio members representing the Department of (~~(Design,~~
10 ~~Construction and Land Use))~~ Planning and Development, Seattle City Light, Seattle Public
11 Utilities and City Council staff shall serve at the direction of his or her Department Head and for
12 such time until a replacement is qualified by his or her respective Department Head. The two
13 non-voting ex-officio members representing the Fire Fighters Union and the Fire Chiefs Union
14 shall serve at the direction of his or her union's Executive Board and for such time until a
15 replacement is qualified by his or her respective union's Executive Board. A successor to one of
16 the (~~(four (4))~~) non-voting ex-officio positions is "qualified" after being chosen by his or her
17 respective Department Head, or by the Executive Board of his or her respective union in the case
18 of non-voting ex-officio positions representing the Fire Fighters Union or the Fire Chiefs Union.
19 (~~(Vacancies that occur before the end of a member's term of service shall be filled by a qualified~~
20 ~~sueecessor who shall serve for the unexpired term.))~~ A member may be removed by the Mayor,
21 subject to a confirming affirmative vote of a majority of the total membership of the City
22 Council. No member shall receive any compensation for service on the Board.

23
24 (Section 4.

1 ~~_____ The new fire protection industry member position that is being created by this ordinance~~
2 ~~shall have the same term of service as the public voting member position that it is replacing.~~

3
4 Section 5.))

5 **3.16.320 Powers and duties of the Board**

6 The Board shall act in an advisory capacity. The Board shall have the power to: (1)
7 examine proposed amendments relating to the Fire Code and to make recommendations to the
8 Fire Marshal, the Fire Chief, and the City Council for changes in the Fire Code; and (2) hear
9 appeals relating to the interpretation and application of the Fire Code, and to make
10 recommendations to the Fire Chief relating to such appeals.

11
12 ((Section 6.))

13 **3.16.330 Governance**

14 The Board shall elect a Chair and shall adopt reasonable rules and regulations for
15 conducting its appeals and developing its recommendations. The Board shall receive staff
16 support from the Fire Marshal's Office.

17
18 ((Section 7.))

19 **3.16.340 Meetings**

20 The Board shall meet regularly ~~((at least once each month in a regular meeting))~~ and at a
21 time and place to be established by its rules. The Chair may call special meetings when she or he
22 deems it necessary. The Chair may cancel a meeting by providing written notice to the
23 members, and publicizing notice in whatever manner is established in the rules.

24
25 ((Section 8.))

1 **3.16.350 Appeals**

2 The Board's appellate powers shall be exercised by and through a subcommittee referred
3 to herein as the Appeals Board. The appeals process will include the following:

4 a. The Appeal's Board recommendations to the Fire Chief shall be in writing.

5 b. The Chair shall select five Board members to serve on the Appeals Board, three ~~((3))~~
6 of which shall be chosen from the following categories: one ~~((1))~~ business representative (the
7 Building Owners and Managers Association representative, the fire insurance industry
8 representative, the ~~((petroleum industry))~~ major institutions representative, the marine industry
9 representative, the Port of Seattle representative, the manufacturing/warehouse representative,
10 the ~~((retail))~~ services industry representative, the research/labs representative, or the fire
11 protection industry representative,) one ~~((1))~~ professional/technical representative (the
12 architect, the chemical engineer, or the mechanical engineer), and one ~~((1))~~ public citizen. At
13 his or her discretion, for particular appeals, the Chair may appoint or substitute additional Board
14 members to hear a given appeal if she or he believes particular expertise is needed to hear the
15 appeal.

16 c. The Board's rules relating to the conduct of appeals will be made available to the
17 public.

18 d. Information on appeals and the Appeals Board's recommendations shall be maintained
19 and made available to the public.

20 e. If the Fire Chief declines the Appeals Board's recommendation, then she or he must
21 state in writing his or her reasons for doing so. This statement shall be copied to the Mayor's
22 Office and to the City Council member who chairs the Public Safety Committee.

23 f. The Fire Chief and the Fire Marshal shall make themselves available to meet with the
24 appellant, after the conclusion of the appeals process, in every case.

1 ~~((Section 9.))~~

2 **3.16.360 Citizen input**

3 The Board shall develop a process for obtaining citizen input relating to the Fire Code
4 and for providing that input to the Fire Marshal's office.

5
6 ~~((Section 10. The Board shall make a report to the City Council's Public Safety Committee two
7 years after its first meeting, or sooner if the chair of the Board deems necessary.~~

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9 ~~The report should include data on the activities of the Board and the Appeals Board, an
10 assessment of the adequacy of the structure of the Board, the content and function of any rules
11 the Board has established, and any changes the Board wishes to recommend at that time.))~~

12
13 **Section 3.**

14 The new service industry and major institutions member positions that are being created
15 by this ordinance shall have the same term of service as the positions that they are replacing.

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Section 2. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2015, and signed by me in open session in authentication of its passage this ____ day of _____, 2015.

President _____ of the City Council

Approved by me this ____ day of _____, 2015.

Edward B. Murray, Mayor

Filed by me this ____ day of _____, 2015.

Monica Martinez Simmons, City Clerk

(Seal)

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Seattle Fire Department	Karen Grove/386-1451	Melissa Lawrie/684-5805

Legislation Title:

AN ORDINANCE relating to the Seattle Fire Code Advisory Board; revising the designated member representation of the Seattle Fire Code Advisory Board to include representatives of the services industry, major institutions, and the Fire Fighters and Fire Chiefs labor unions; creating a new Subchapter V in Chapter 3.16 of the Seattle Municipal Code consisting of new Sections 3.16.300, 3.16.310, 3.16.320, 3.16.330, 3.16.340, 3.16.350 and 3.16.360; all by amending Ordinance 119799.

Summary of the Legislation:

This legislation creates Board Member positions for representatives of the services industry and major institutions like universities and hospitals, and creates formal non-voting ex-officio positions for representatives of the Fire Fighters and Fire Chiefs labor unions.

Background:

The City Council created the Seattle Fire Code Advisory Board (FCAB) over five decades ago to provide local industry, labor, and the public a voice in the fire code provisions that affect them. FCAB Board Members play a key role in helping the Fire Marshal define local Seattle amendments to the international fire code.

This Council Bill proposes the first restructuring of the FCAB since 1999. As Seattle's economy has matured, and as international fire code has developed, major institutions like hospitals and universities, and broadly-defined service industry businesses including retail, night clubs, and restaurants, have become more impacted by fire code requirements. In addition, Firefighters and Fire Chiefs have always been impacted by the Fire Code because its provisions directly impact safety on the fire ground, however they have not had a formal role on the Fire Code Advisory Board.

The proposed Council Bill would provide these industries and labor unions a role on the FCAB, to ensure that the Fire Marshal receives input from the full array of stakeholders that are impacted by the Seattle Fire Code.

Because City employees are prohibited from serving on boards and commissions in a voting capacity, the Firefighters and Fire Chiefs representatives would serve in a non-voting, ex officio capacity.

Please check one of the following:

This legislation does not have any financial implications.

This legislation has financial implications.

Other Implications:

- a) **Does the legislation have indirect financial implications, or long-term implications?**
Local Seattle amendments to international fire code will continue to benefit from input from a full array of stakeholders.
- b) **What is the financial cost of not implementing the legislation?**
None.
- c) **Does this legislation affect any departments besides the originating department?**
No.
- d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?**
None.
- e) **Is a public hearing required for this legislation?**
No.
- f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
No.
- g) **Does this legislation affect a piece of property?**
No.
- h) **Other Issues:**
None.

List attachments to the fiscal note below:

None.



City of Seattle
Edward B. Murray
Mayor

January 13, 2015

Honorable Tim Burgess
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Burgess:

I am pleased to transmit the attached proposed Council Bill that creates Seattle Fire Code Advisory Board positions for representatives of the services industry and major institutions like universities and hospitals. The Council Bill also creates non-voting ex-officio positions for representatives of the Fire Fighters and Fire Chiefs labor unions, and codifies the provisions related to the Board as a new subchapter of the Seattle Municipal Code.

The Seattle Fire Code Advisory Board was created over five decades ago to provide local industry, labor, and the public a voice in the fire code provisions that affect them. As Seattle's economy has matured, and as international fire code has developed, major institutions and service industry businesses including retail, night clubs, and restaurants have become more impacted by fire code requirements. The legislation provides a voice for these sectors in the process. Because City employees are prohibited from serving in a voting capacity, the proposed Council Bill also provides a formal non-voting role on the Board for representatives of the Fire Fighters and Fire Chiefs labor unions.

The Seattle Fire Code Advisory Board plays a key role in helping the Fire Marshal define local Seattle amendments to the international fire code. The resulting Seattle Fire Code helps promote fire and life safety for everyone who lives, works, and visits in Seattle. Thank you for your consideration of this legislation. Should you have questions, please contact Karen Grove at 386-1451.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward B. Murray", with a long, sweeping underline.

Edward B. Murray
Mayor of Seattle

cc: Honorable Members of the Seattle City Council